

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 1998-515-T

IN RE:

Petition of the Office of Regulatory)	
Staff to Revoke the Charter Bus)	
Certificate of)	MOTION FOR IMMEDIATE
Creative Charters, Inc.)	SUSPENSION OF CERTIFICATE
For Failure to Maintain and File)	OF PUBLIC CONVENIENCE AND
Evidence of Insurance)	NECESSITY

The Office of Regulatory Staff, by the filing of this Motion would respectfully show and request of the Commission:

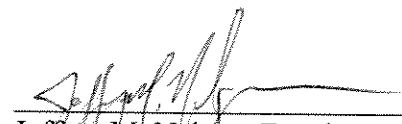
1. That contemporaneously with this Motion, the Office of Regulatory Staff ("ORS") did file with the Commission a Petition For Rule to Show Cause in the above captioned matter requesting the Commission to schedule a formal administrative hearing to revoke the Charter Bus Certificate of Creative Charters, Inc. (herein "Creative" or "the Company") See Attachment A, Charter Bus Certificate issued by the Commission to **CREATIVE CHARTERS, INC.** on November 5, 1998.
2. That as shown in attachments to that Petition, the ORS evidenced that Lancer Insurance Company cancelled the motor carrier insurance policy of Creative effective June 29, 2006. See Attachment B, Form K.
3. That as a result of the receipt of the Form K on July 6, 2006, the ORS contacted **CREATIVE CHARTERS, INC.** requiring that the Company provide evidence of insurance to the ORS within thirty (30) days as

CREATIVE CHARTERS, INC. would no longer have insurance as required under S.C. Code Ann. §58-23-910 (Supp. 2004) on June 29, 2006. See Attachment B, Form K and Attachment C, Certified Letter of George Parker.

4. That in further support of this Motion, the ORS hereby provides as Attachment D the Affidavit of Jeanne Gordon evidencing that Creative has failed to respond or otherwise provide proof of insurance to the ORS since that date.
5. That the Commission's own regulations specifically provide that the mere failure of a company to file evidence of insurance is sufficient grounds for the suspension of a Charter Bus Certificate. As stated in 26 S.C. Code Regs. 103-175 (Supp. 2005) "Either a failure to file evidence of insurance or surety bond or failure to keep all insurance or bonds in full force and effect shall be just cause for the Commission **without further evidence or hearing**, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier." (emphasis added). Further, 26 S. C. Code Regs. 103-240 (Supp. 2005) provides in relevant part that "this rule (providing for notice an opportunity to be heard) shall have no effect upon rules hereinbefore set forth which authorize suspension, revocation, alteration, or amendment of a certificate or of an existing order granting operating rights **without hearing** where certain conditions exist." (emphasis added).
6. That while this matter is awaiting a hearing before the Commission, such continued operation by Creative without any form of insurance is contrary to the public interest as an uninsured motor carrier may pose a threat to

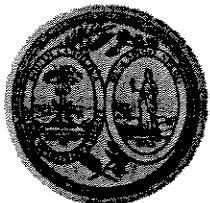
customers of the Company and the general public, who would be unaware of Creative's lack of insurance.

WHEREFORE, the ORS staff prays that this Honorable Commission immediately and without further evidence or hearing suspend, pursuant to 26 S.C. Code Regs. 103-175 (Supp. 2005), the Charter Bus Certificate, Number 0015, of **CREATIVE CHARTERS, INC.** (issued under Order No. 98-845 in Docket 1998-515-T) and for such other appropriate action which the Commission may deem necessary and proper.



Jeffrey M. Nelson, Esquire
Nanette S. Edwards, Esquire
Office of Regulatory Staff
PO Box 11263
Columbia, SC 29211

September 6, 2006
Columbia, SC



**Public Service Commission of South Carolina
Columbia, South Carolina**

CLASS C – Charter Bus

Docket No. 98-515-T

Order No. 98-845

Certificate No. 0015

CHARTER BUS CERTIFICATE

NAME: **CREATIVE CHARTERS, INC.**

ADDRESS Metric Road, Laurens, SC 29360

(Mailing Address: Post Office Box 1497, Laurens, SC 29360)

a charter bus passenger service, by means of motor propelled vehicles, has furnished evidence of compliance with regard to minimum amounts of financial responsibility relating to insurance requirements and safety requirements of the South Carolina Department of Public Safety.

BETWEEN POINTS AND PLACES IN SOUTH CAROLINA

COPY

Neither this Certificate nor the rights granted herein shall be sold, assigned, leased, transferred, mortgaged, pledged, or otherwise hypothecated, unless first approved by the Commission.

DATED at Columbia, South Carolina, this 5th day of November A.D., 19 98.

Mary E. Walsh
Executive Director

Phyllis T. Bradley
Chairman

FORM K

UNIFORM NOTICE OF CANCELLATION OF
MOTOR CARRIER INSURANCE POLICIES
(EXECUTED IN TRIPLICATE)

Check Type Canceled
BI and PD ☒
Cargo ☐

Filed with

SOUTH CAROLINA PUBLIC SERVICE COMMISSION
TRANSPORTATION DIVISION

(NAME OF AGENCY)

(hereinafter called Agency)

This is to advise that under the terms of a policy or policies issued to:

CREATIVE CHARTERS, INC.

(NAME OF MOTOR CARRIER)

of P.O. BOX 1497, LAURENS, SC 29360

(ADDRESS OF MOTOR CARRIER)

by LANCER INSURANCE COMPANY

(NAME OF COMPANY)

of 370 WEST PARK AVENUE, LONG BEACH, NY 11561

(ADDRESS)

said policy or policies, including any and all endorsements forming a part thereof or certificates issued in connection therewith, is (are) hereby

cancelled effective as of the 29TH
time at the address of the Insured as stated in said policy or policies provided such date is not less than thirty (30) days after the actual receipt of this notice by the Agency.

day of JUNE

, 2006, 12:01 A.M., standard

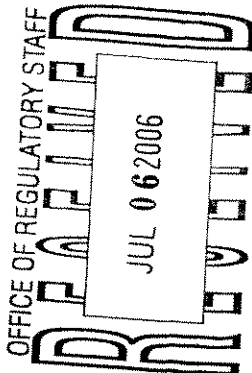
Insurance Company File No BA136168

(POLICY NUMBER)

(c) MC 2445 (Ed. 4-88)

Allye S. Pica
(SIGNATURE OF INSURER)

1RB 3547A



G. DUKES SCOTT
EXECUTIVE DIRECTOR

P.O. Box 11263
Columbia, S.C. 29211



Phone: (803) 737-0800
Fax: (803) 737-0801

DAN E. ARNETT
CHIEF OF STAFF

KATIE C. MORGAN
DIRECTOR
TELECOMMUNICATIONS, TRANSPORTATION, WATER/WASTEWATER

July 6, 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Creative Charters, Inc.
PO box 1497
Laurens SC 29360

RE: Public Service Commission Required Intrastate Insurance Filing

Dear Sir/Madam:

Pursuant to S.C. Code Regs 103-170.1, all motor carriers regulated by the Public Service Commission must file evidence of current insurance.

The Office of Regulatory Staff has received the following notice affecting your current insurance coverage:

Insurance Type:	Public Liability and Property Damage Insurance Policy No BA136168
Issued by:	Lancer Insurance Company
Will be:	<u>CANCELLED EFFECTIVE 06/29/06 at 12:01 a.m.</u>

To remain in compliance with the Public Service Regulations, it is necessary that you file proof of current insurance coverage with the Office of Regulatory Staff no later than August 4, 2006. Proof of insurance can be mailed or faxed to:

State of South Carolina
Office of Regulatory Staff
Transportation Department
PO Box 11263
Columbia, SC 29211
Fax number: 803/737-0801

If you fail to provide this information, you are ordered and directed to cease operations as of the above cancellation date.

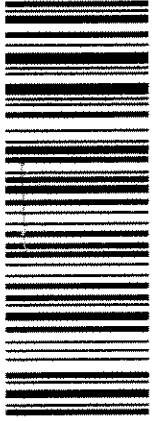
Operation without proper insurance is a **violation of the law** and you will be subject to all penalties as outlined in the S.C. Code of Law and Regulations.

Please contact the Transportation Department with any questions at 803/737-0800.

Sincerely,

L. George Parker
Program Manager
Transportation Department

State of South Carolina
Office of Regulatory Staff
PO Box 11263
Columbia, SC 29211



7004 2510 0005 5751 7496

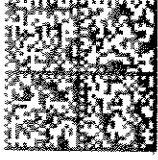
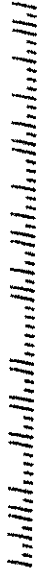
REFUSED

Business Closed

Creative Charters, Inc.
PO box 1497
Laurens SC 29360

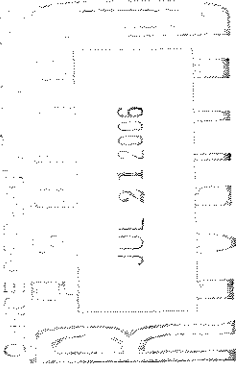
Refused

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BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 98-515-T

August 17, 2006

IN RE: Petition of the Office of Regulatory)
Staff to Revoke Certificates of) AFFIDAVIT OF
Public Convenience and) Jeanne Gordon
Necessity of Certain Motor Carriers)

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Jeanne Gordon and I am employed by the Office of Regulatory Staff ("ORS") as Program Specialist for the Transportation Department.
- 2) My office is located at 1441 Main Street, Columbia, South Carolina, 29201 (Mailing Address: Post Office Box 11263, Columbia, South Carolina 29201).
- 3) My duties and responsibilities as Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On June 29, 2006, I examined the business records on file with ORS.
- 7) I attest that the proof of insurance as required by 26 S.C. Code Regs 103-171 has not been filed with ORS by the following company as of August 16, 2006:

Creative Charters, Inc.
PO Box 1497
Laurens, SC 29360

AND FURTHER THE AFFIANT SAYETH NOT.

Jeanne Gordon

Jeanne Gordon

Program Specialist, Transportation Department

Office of Regulatory Staff

P.O. Box 11263

Columbia, South Carolina 29211

Sworn and subscribed before me

this 16 day of August, 20 06

Susan Hauptmann

Notary Public for South Carolina

My Commission Expires: 08-17-07